

Appl. No. 09/905,274
Atty. Docket No. 8609
Amdt. dated May 3, 2006
Reply to Office Action of February 6, 2006
Customer No. 27752

REMARKS

Amendments to the Specification

Page 9 of the specification has been amended to correct an error with regard to the reference numbers. The paragraph has been amended to correctly relate to the apparatus illustrated in Figure 5.

Claim Status

Claims 1-27 are pending in the present application. No additional claims fee is believed to be due.

Claim 20 has been withdrawn as a result of an earlier restriction requirement.

Claims 1, 14, 21, and 25 have been amended to incorporate the additional limitation that the apparatus comprise a drive element disposed to form a friction nip with the first series of elongate protuberances. Support for these amendments may be found in the specification at page 9, lines 8-22, page 11, lines 9-19 and in figures 5, 6, and 8. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 Over Tipper (US 3,348,458)

The Office Action has rejected claims 1, 2-6, 13-18, 21-23, and 25-27 under 35 USC §102(b) as being anticipated by Tipper (US 3,348,458) Applicant respectfully traverses this rejection.

In light of the current amendments to claims 1, 14, 21, and 25, Applicant submits that the Tipper patent does not teach each of the limitations of the invention as claimed. Specifically, Tipper does not teach a drive element disposed to form a friction nip with the first series of elongate spaced protuberances or passing the web material through such a friction nip. Applicant submits that the rejection under 35 USC §102(b) should be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Tipper (US 3,348,458)

The Office Action rejects claims 7-9 and 19 have been rejected under 35 USC §103(a) as being unpatentable over Tipper. This rejection is traversed. Tipper does not

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establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claims 7-9 and 19. As provided above, Tipper does not teach or suggest a drive element forming a friction nip with the first series of elongate spaced protuberances to drive the web. The closed nature of the forming structure of Tipper precludes the use of any such nip drive. The Office Action presumes an inherent web drive of some nature but this presumption may not be extended to be said to teach or suggest the claimed means. Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Tipper (US 3,348,458) in view of Benedict (US 2,314,757)

Claims 10-12, and 24 have been rejected under 35 USC §103(a) as being unpatentable over Tipper (US 3,348,458) in view of Benedict (US 2,314,757). Applicant respectfully traverses this rejection as the combination of references fails to establish a *prima facie* case of obviousness under 35 USC §103(a).

Specifically, the addition of the Benedict reference fails to cure the deficiency of the Tipper reference with regard to the amended independent claims. Tipper does not teach or suggest a drive element forming a nip with the first series of elongate spaced protuberances and Benedict does not remedy this deficiency. The combined references fail to teach or suggest all of the limitations of the invention as claimed. Applicant submits that the rejection under 35 USC §103(a) should be reconsidered and withdrawn.

Conclusion

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§ 102, 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-27 is respectfully requested.

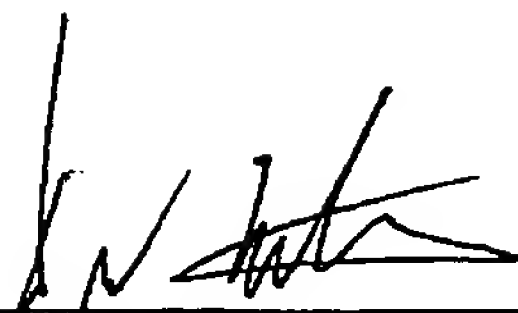
Respectfully submitted,

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